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province on account of the recent extension of prohibition to those areas and the failure of the Government to provide employment for the tappers who had been thrown out of employment.'

I suppose the hon. Member has the leave of the House; have the Government any objection?"

THE HON. DR. T. S. S. RAJAN :—" If the House is willing to take it up, the Government have no objection."

DEPUTY PRESIDENT :—" As the member has the leave of the House to make the motion, under rule 40, the motion will be taken up at 4 p.m. to-day."

GOVERNMENT BILL.

V.—THE MADRAS ESTATES (REPEAL AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL No. 37 1947).

SRI B. NARAYANASWAMI NAYUDU :—" Mr. Deputy President, I sent a note requesting that I might be furnished with copies of documentary and oral evidence that were given at the Select Committee. The proceedings of the Select Committee may be confidential and they cannot be given but I do not think it can be said that evidence, documentary and oral, submitted to the Joint Select Committee, stand on the same footing. I require copies of these so that I may be able to do my best with the Bill to be discussed by the House."

THE HON. SRI KALA VENKATA RAO :—" May I submit, Sir; that they are memoranda submitted for the consideration of the members of the Joint Select Committee and the Legislature has nothing to do with it. All those documents have been circulated to the members of the Select Committee. The gentlemen who wanted to give evidence before the Select Committee were asked to furnish thirty copies so that they could be distributed to the members of the Joint Select Committee. On their receipt they were distributed to them. There is no precedent to place such documents before the House or to circulate them to hon. Members especially at this stage, when the Bill has passed the Assembly and has come up for discussion by the Council. If I have got any copies, I would have no objection; but we have to search the records in the office and that is the difficulty. If he is very much interested, I can give him from the material available in my room during the lunch hour. But it is neither a privilege nor is it a necessity to be given copies of those documents."

SRI R. SURYANARAYANA RAO :—" May I bring it to your notice, Sir, that this Bill was referred to a Joint Select Committee and the reports were circulated to the members of the Assembly. Are we not, as members of the Council, entitled for copies of the Proceedings of the Select Committee and the Report?"

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THE HON. SRI KALA VENKATA RAO :—“ I do not know the rule about it, Sir. But I daresay that copies were made available to the members, Sir.”

SRI B. NARAYANASWAMI NAYUDU :—“ I do not want that the memoranda, etc., should be circulated to each member of the House but I want that a set might be placed on the table of the House. I do not think that any useful purpose is served in quoting a note of the office that they are in the office. If they are there, it must be given to us for perusal and return. I am not asking for it all to myself. If they are in the office, the Secretary may be directed to give me those records. If they are not there it is another matter. I expect that the Hon. Minister will get them and give them to me. I even asked one or two members of the Select Committee in the Council for them but they were unable to give. If I had obtained them otherwise I would not have worried the Hon. Minister.”

SRI R. SURYANARAYANA RAO :—“ Sir, this Council elected its members to represent the Council on the Joint Select Committee and the Report of the Select Committee has been presented to the members of the Assembly. While it is so, are we not entitled also to receive reports of the Select Committee, just as they have been circulated to the members of the other House. I submit this is a question of privilege. If we had not been asked to elect members to the Joint Select Committee, then we have no right. The position is different if the other House alone nominated its members to the Select Committee. But having nominated our members to the Joint Select Committee, when the report of the Select Committee and the proceedings of the Select Committee were circulated to the other House, I think we are perfectly entitled to ask the Government—I do not know if the office will have to do it—that we should be supplied with copies.”

DEPUTY PRESIDENT :—“ The Report has been published in the Official Gazette and as every member is being supplied with the Gazette, he can be under no disadvantage on account of non-supply of the copies of the Report. Because the Assembly was discussing the Bill in the first instance, they were supplied to them. If, however, it is the intention of the House that copies should be supplied, the hon. Members may ask for additional copies.”

DR. V. K. JOHN :—“ I suggest, Sir, that you give a ruling that in the case of reports of Joint Select Committees of both the Houses, this House is also supplied with copies of the report and proceedings of the Joint Select Committee. My submission is that it may be done hereafter. We are awaiting a ruling from you, Sir.”

DEPUTY PRESIDENT :—“ We will give a direction to the office to supply the Members with a copy of the report and the minutes of the proceedings of the Select Committee.”

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DR. V. K. JOHN :—“ So, I take it that that is your ruling. Before the Hon. Minister for Revenue moves that the Zamindari Bill be taken into consideration, I wish to say that we would like the Hon. Minister to explain to us fully and clearly the provisions of this Bill and their implications. He need not presume that we have read the proceedings of the other House in the newspapers.”

DEPUTY PRESIDENT :—“ I think that the hon. Member has got a right to expect to such an explanation and that he need not specially ask for it.”

DR. V. K. JOHN :—“ I do not want to interrupt the Hon. Minister in the course of his speech. That is why I say even at the outset that he should give us a detailed account of the implications of the Bill which is very complicated.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ As regards the evidence tendered and memoranda placed before the Select Committee, I submit that they are intended not solely for the Select Committee but to the Legislature in general. As such, there is nothing wrong in supplying a copy of them to the Members. I agree that the proceedings of the Select Committee may be confidential, but I think the evidence and memoranda placed before the Select Committee should be made available to the Members either by placing a copy on the table of the House or through the library of the Legislature.”

DEPUTY PRESIDENT :—“ I think usually the Chairman has got the right to decide which documents should be treated as confidential and which can be placed before the House. I do not think a copy of all the memoranda was furnished to all the Members of the other House.”

SRI S. B. ADITYAN :—“ Sir, may I draw attention to rule 87 of the Council Rules? It says: ‘The report, the minutes of the proceedings of the Committee as approved by the person presiding shall be printed and copies furnished to each member of the Council’. So the point on which Dr. John wanted a ruling is already dealt with in the rules.”

DEPUTY PRESIDENT :—“ We will certainly arrange to circulate to the members the report and the minutes of the proceedings of the Committee.”

THE HON. SRI K. MADHAVA MENON :—“ The claim that all the memoranda placed before the Select Committee should be supplied to the members is too wide. Some witnesses have said that their memoranda are intended only for the Select Committee and not for the public. Some witnesses wanted to be examined *in camera* because they did not want their evidence to be made public. That is why discretion is vested in the Chairman to circulate such things as he thinks proper.”

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SRI B. NARAYANASWAMI NAYUDU :—“ Witnesses making such a request are more an exception than a rule. There is no point in making an exception a rule and arguing on that basis.”

SRI R. SURYANARAYANA RAO :—“ Is it fair for this House to proceed with the Bill at this stage when the documents referred to in rule 87 have not been furnished? ”

SRI S. B. ADITYAN :—“ Sir, I support the contention of Sri R. Suryanarayana Rao. There is a definite rule that each member shall be supplied with copies of the report and the minutes of the proceedings of the Committee and that has not been complied with. How can the members be expected to read them when they have not been furnished? I submit that it will not be in order to proceed further until that rule is complied with.”

* THE HON. SRI KALA VENKATA RAO :—“ Unless the members want to stand on privilege, there is no point in postponing the consideration of the Bill. The members have received the *Fort St. George Gazette* in which the report is published. Unless they do not open the gazette and read it, I do not see any reason why the consideration of the Bill should be postponed. Of course, it would have been better if the report, etc., had been circulated. When they were circulated to the members of the Assembly, the Government would have no objection to circulate them to the members of the Council also. The whole thing was published in the newspapers in full and to say to-day that the members have no knowledge of them is something extraordinary.”

DEPUTY PRESIDENT :—“ The Hon. Revenue Minister will proceed.”

* THE HON. SRI KALA VENKATA RAO :—“ Sir, I move—
‘ *That the Madras Estates (Repeal and Conversion into Ryotwari) Bill 1947 (L.A. Bill No. 37 of 1947), as passed by the Legislative Assembly be taken into consideration at once.*’

“ I moved a motion before this hon. House on 23rd January 1948 to the effect that this House do concur in setting up a Joint Select Committee of both the Houses to consider the Bill. That motion was passed unanimously, and as a result a Joint Select Committee was empanelled consisting of members of the Assembly and the Council. It examined the Bill for a number of months and presented a report. That report was already published. Now I will explain to the House the clauses as they originally stood and as they have been amended by the Select Committee and later on by the Assembly, so that there may be a complete picture of what has happened. I may also mention that the Leader of the Opposition wrote to me a letter on behalf of the United Democratic Party of which he is the leader asking for information on certain

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points either by means of a letter or by a speech on the floor of this House. I would like to give all the information that the Government possess with reference to his queries.

“ The fundamental principles of the original Bill have not been changed by either the Select Committee or the Assembly. Only changes to rectify the many lacunae that were left in drafting and additions needed to make the Bill more perfect have been introduced by the Select Committee as well as the Legislative Assembly.

“ According to the Bill, on and from the notified date the Madras Permanent Settlement Regulation, 1802, and the Estates Land Act, 1908, shall, to the extent they are affected by this Bill, stand repealed. The whole estate, including the mines and minerals, etc., that are referred to in clause 3 (b), shall vest in the Government free of all encumbrances. Another result that will follow the notification of an estate is that all lands, whether ryoti, jirayati or private, will get converted into ryotwari lands, and will vest in the Government.

“ The definition of ‘ estate ’ in the original Bill as published in September 1947 included 1936 inams also. That Bill provided for a tribunal to enquire into the history of the private land, and the private land was the land which was so defined in the Madras Estates Land Act of 1908. If the proprietor had created any record of rights under sections 182 and 183 of the Estates Land Act, the land concerned was deemed to be private land.

“ The most important provision was about compensation which was dealt with in clause 6 of the original Bill. Compensation was to be calculated for the estate as a whole and not for parts. An estate could be divided into parts under the provisions of the existing law by applying to the District Collector. An estate registered as a separate estate would be treated as such. But estates which were not registered as separate estates in the records of the Government would be treated as whole estates.

“ For the purpose of calculating compensation, the existing rentals in the estates will be reduced to the ryotwari level. The Rent Reduction Act will be only a temporary measure, and the calculations under that Act are based only on averages and do not pertain to each survey number, each field and each *taram*. But after this Bill is passed into law, there will be a regular survey and settlement and the ryotwari demand of each estate will be settled. To this amount, which is called the gross annual ryotwari demand, will be added one year's income from fisheries, mines and forests. One-third of all these put together will form the basic annual sum. One-third was taken as the basis because under the Permanent Settlement on an average one-third was taken as the portion that ought to be left to the proprietor to whom the *sanad* was given, and two-thirds was fixed as *peishkush*. Of course, there are instances where the *peishkush* is less than two-thirds and also where it is as high as 90 per cent of the rental.

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But in the bulk of cases, the peishkush is round about two-thirds. From out of this reduced rental, two-thirds is taken away, and the remaining one-third will form the basic annual sum. Eight and one-third per cent towards administrative charges and 5 per cent towards the maintenance of irrigation works will be deducted from this basic annual sum. In short, according to the provision in the original Bill, 20 per cent of the annual ryotwari demand of the estate will be the basis on which compensation is to be calculated. That is so as far as the zamindaris are concerned.

“As regards inams, a different formula was adopted. The rental adjusted to the ryotwari level would be reduced to one-half instead of one-third. Out of the remaining half, 8-1/3 per cent towards establishment charges, 5 per cent for the maintenance of irrigation works and the quit-rent, jodi or poruppu will be deducted and the balance will form the basic annual sum. This basic sum will be multiplied by a schedule given in the Bill, ranging from 12½ to 25 times.

“This was the formula for granting compensation to the landholders whose estates are sought to be abolished according to the Bill as originally published.

“Another important provision in the Bill was about the apportionment of compensation by a tribunal. The compensation amount was to be deposited in the District Court and a tribunal empanelled according to the provisions of the Bill would apportion it. The need for apportionment arose because, apart from the estate-holders, there were many maintenance-holders in a Hindu joint family like brother, aunt, grandfather, grandmother, etc., who were entitled to a share of the income from the estate. In order to see that the amount is justly apportioned, the tribunal would go into the matter and settle the amount to be paid to each.

“Regarding the mode of payment and the time within which it should be paid, the Bill provided that they shall be according to the rules to be framed by the Government, and that those rules would be placed before the Legislature for approval.

“As I have already said, we have provided for survey and settlement of estates. The survey and settlement will be conducted according to the rules now in force for the survey and settlement of ryotwari areas. As regards the cost, the Government have decided to bear the bulk of it. The ryots will be charged only the cost of the survey stones, etc., as is done in the ryotwari areas. The rest will be borne by the State.

“The Bill also provides for interim payments. Between the date of notification and the payment of compensation, a certain period will naturally elapse. Perhaps the period will be long in the case of big estates and short in the case of small estates. During this intervening period, the estate will be in the possession of the Government. So provision has got to be made for the payment of some allowance to the landholder. Therefore provision has been made for interim payment which will be equal to

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the basic annual sum. This basic annual sum, or whatever amount that might be paid during the period, will be deducted from the total compensation payable to the landholder. Sir, these are the two characteristics of the interim payment that is proposed to be paid to the landholder. 12 noon.

“ Then, Sir, the original Bill provided for the repeal of the Impartible Estates Act of 1904. It also said that the future apportionment will be on the basis of the joint Hindu family property. Whatever may be the law of inheritance, whether it be Mithakshara Law or any other law, under which the zamindars succeed to their estates from their father and forefather, the same law will be applied with regard to the distribution of the compensation. That was the original provision in the Bill as it was published.

“ Then, Sir, the original Bill also provided for the appointment of a Commissioner and a Director of Settlements and both these two officers were expected to get through this business. There was also provision for dispensing with the services of the existing staff in the estates and for appointing a different category of officers, by giving the former a month's notice or a month's salary, as the case may be. Then there is also a provision to take over the office buildings of the landholders. Most of the zamindars, and especially the more important of them have got a number of buildings in their estates, which are very good real property. We are not proposing to take away all their dwelling houses, or their palaces or their residential buildings either in Madras or at Ootacamund or anywhere else. We only propose to take over the buildings which were exclusively used for office or for other administrative purposes of the estate. Let hon. Members mark the words ‘exclusively used’. Therefore there is no intention to deprive them of their other real properties in the form of buildings.

“ Then, Sir, the Bill proposes to exclude the jurisdiction of the civil courts in certain cases and under certain circumstances and to that I will come later. Sir, these were the fundamental provisions that were adumbrated in the Zamindari Abolition Bill as it was published originally in September 1947.

“ Then, Sir, on a motion before the Assembly and before this hon. House, a Joint Select Committee was appointed and the Committee went into the whole question in detail and made a number of changes, but these changes did not alter the fundamental principles of the Bill; there were changes only with regard to the wording of certain clauses, with a view to improve their language, and to add certain things there were left out, and also to bring about a certain amount of equity in the calculation of the basic annual sum and the rest.

“ Sir, I should like just now to deal, at some length, with the changes that were suggested by the Joint Select Committee. In clause 2 of the Bill certain new definitions were inserted, with regard to the zamindari estate, under-tenure estate, inam village,

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etc. They were found necessary, because certain difficulties were pointed out with regard to the application of the Abolition Bill to these various categories of estates.

“ Then, Sir, under clause 3 (a) a provision was added for the continuance of the Madras Estates Land (Reduction of Rent) Act, 1947, even after the notified date, until the ryotwari settlement is effected. In the original Bill it was simply said that the reduced rent would apply. But there was one lacuna. The Rent Reduction Act will get repealed soon after notification. We now find that there is to be an interim period between the date of notification of an estate and the actual dates when the survey and settlement operations could be completed. To cover that period, the Rent Reduction Act will continue to be applied. That is a new addition which has been made in clause 3 (a).

“ Clause 3 (b), which is otherwise known as the vesting clause, mentions a number of items of lands in the zamindari which will stand transferred to the Government free of all encumbrances. Certain suggestions were made to make these items comprehensive and complete and it was only on these suggestions that the clause was redrafted and made more comprehensive and complete, so that the different categories of lands that will revert to Government on the abolition of the zamindaris, are made complete by the revised draft of the clause.

“ Clause 3 (d) deals with the protection that is to be given to the existing ryots in these zamindaris. A provision has also been added for taking possession of accounts, registers, pattas, muchilikas, maps, plans and other documents relating to the estate which the Government may require for the administration thereof, because there are certain estates which have already been surveyed and settled also. To proceed further with such operations, those records will be needed. At the suggestion of the Select Committee, the provision included also arrangements not to take the original documents, such as the sanads and other documents like that, but only such administrative documents, which will facilitate the expeditious taking over of such lands.

“ Then, Sir, it was also found that there is no need to have two officers like the Director of Settlements as well as the Commissioner. Therefore the provision for the appointment of the Commissioner was dropped in the amended Bill and the creation of the post of the Director of Settlements alone was retained and he will be under the general supervision of the Board of Revenue.

“ Then, Sir, there is also a clause which deals with the determination of the date on which an under-tenure estate was created, with a view to decide whether it is a pre-settlement or a post-settlement under-tenure estate. The reason for that is this. If it were a pre-settlement under-tenure estate, then it was the grant of someone who had the absolute right to it. If it were a post-settlement under-tenure estate, it must be an estate created by the zamindar or the estate-holder to whom the sanad was given. One of the conditions of the sanad was that the zamindar or the

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person who possessed the sanad had definitely no right to carve out an estate out of his own estate. That is the reason why a distinction has to be drawn between these two kinds of under-tenure estates, so that the pre-settlement under-tenure holders may not suffer.

Then, Sir, clause 10 deals with lands in which ryot is entitled to ryotwari patta, and here the question about the lanka lands has been introduced. These lanka lands are particularly confined to two areas, namely the lanka areas in the Kistna and the Godavari rivers. There are hardly any other lankas worth the name elsewhere, and although it seems there is one case somewhere in the Presidency, I am not certain about it. Practically therefore, these lankas are confined only to these two rivers. They are lands formed within the bed of the river, liable to submersion and erosion at frequent intervals. But there are certain lankas which are called high level lankas, in which there is no such submersion or erosion and it is possible to settle them and if there are records of survey and settlement, in respect of these lankas. The question arose as to whom all these lands should be assigned and the Bill provides for this, namely, that in the case of high-level lankas which can be settled, they can be assigned to the zamindars, if it was shown that such lands were continuously under the personal cultivation of the zamindars and came within the definition of private lands of the Estates Land Act, 1908. Otherwise they will be assigned to the ryots, if they were under the continuous possession of the ryots from 1st July 1939. I shall explain later, why this date has been fixed.

With regard to other lankas, they will revert to Government. That, Sir, is the position with regard to lanka lands under the Bill.

Then, Sir, the other important matter is with reference to the private lands of the zamindar, to which he is entitled to have the ryotwari patta. Clauses 11 and 12 as redrafted by the Select Committee cover these cases. In the case of the private land of a zamindar, the definition as contained in the original Bill has been modified. But, of course, this was not fundamentally changed, although there was a lot of criticism in the other House that much more has been given to the zamindar than what was originally contemplated. But now, Sir, when you hear what I have to say in support of it, you will see that what has been done is only from the point of view of equity, and this point of equity was very much stressed by good many members of the Select Committee, including my hon. Friend Sir A. Lakshmanaswami Mudaliyar. The new definition is somewhat like this. All lands, which, immediately before the notified date, belonged to the zamindar as private land within the meaning of section 3, clause 10 (a) of the Estates Land Act, 1908, will be given to him under a ryotwari patta. He is entitled to a ryotwari patta in respect of those lands. What are those lands? Those are lands which were cultivated by the zamindar from 1896 till to-day without any interruption and without being given on ryoti to anyone else.

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That is one category. The second category is, that land in which he has got a recorded right as his private land. In both these categories of lands, there is no doubt that they must go to the zamindar, even under the existing law.

“ Then Sir, we have provided another category of lands which should go to the zamindar and for which he is entitled to a ryot-wari patta. Those are lands which were properly included or which ought to have been properly included in the holding of a ryot and which have been acquired by the landholder, by inheritance or succession under a will, provided the landholder has cultivated such lands himself, by his own servants or by hired labour, etc., because if a landholder has purchased a land out of his own private funds, naturally he is entitled to it. So also, if he succeeds to a ryoti land of which his father or grandfather was the owner, naturally he must get it under the Hindu Law. Therefore we cannot deprive the zamindar of his possession to such lands. Thus, lands which are purchased and lands which are inherited and lands which were gifted to him are included under this clause, for being given to the zamindar under a ryotwari patta.

“ Then another category of lands has also been added. They are lands which were never in the possession of any ryots from 1802 until to-day, but which were lying waste and on which the zamindar has expended money for bringing them under cultivation. But all this is governed by another important consideration, namely, that if such land is bought at a revenue sale for arrears of rent, it will not go to the zamindar at all, because once a land is given to a ryot, it will take the shape of a ryoti land, and according to the well-known principle ‘ once a ryoti land, always a ryoti land ’ under no circumstances can the zamindar change the character of the land or be entitled to its possession. Thus, you will see, that subject to these considerations, all the above categories of lands will go to the zamindar on a ryotwari patta. I do not think, Sir, that we can reasonably quarrel with the enlarged definition.

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p.m.

“ Then there is a slight change about the case of the inam villages, namely, the date has been changed from 1st July 1939 to 1st July 1945 for obvious reasons. In the years 1938-39 there was an enquiry Committee what was called the Prakasam Committee. The zamindars had proper warning that a radical reform was about to come. Therefore we pitched upon that date in the case of the zamindaris. But the Prakasam Committee did not consider the case of the inams, with reference to the action that they proposed to take regarding the zamindaris. The only reference to the inamdars was in the election manifesto of the Congress in 1945 where it said that all intermediaries would be abolished. And therefore the date 1st July 1945 was adopted. The date 1st July 1945 was taken instead of 1st November 1945 because of the difficulties that would arise in the matter of accounts unless the beginning of the fasli year was taken into consideration. These were the amendments, Sir, that were suggested by the Select Committee with reference to private lands and this applies to all

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under-tenure estates also. In the matter of settling disputes, a Settlement Officer will go into the question and if one is not satisfied with the decision of the Settlement Officer, either party can go to the tribunal and get the claims settled.

“The next question, Sir, is about the non-ryoti land. All lands existing in zamindaris are not ryoti, because they are not being cultivated by ryots nor are they in the possession of ryots. Therefore certain provisions have to be made. Originally in the Select Committee we thought that if these lands were to be converted into non-ryoti purposes and were within the limits of a municipality they could be divided between the landholder and the pattadar as such. But as I will show you later this clause had to be dropped. With reference to the other decisions of the Select Committee we stuck to them. In the case of non-ryoti lands held for non-agricultural purposes they will continue to have their present rights, whatever they are.

“Then, we come to the question of the miscellaneous income. I already mentioned, Sir, that one year's income from mines, minerals, fisheries, etc., would be taken into consideration. But the Select Committee enlarged the scope of that clause and on this we acted on advice from the Government of India. There are a number of miscellaneous items from which the landholder was getting income. All of them have been brought within the scope of ‘miscellaneous income’ and the compensation is also for the miscellaneous income.

“With reference to the composition of the basic annual sum, a change was made by the Select Committee. As I explained to you, the basic annual sum was 20 per cent of the gross annual sum. Now, under the suggestion of the Select Committee it was increased to 25 per cent. In two ways, namely, by reducing (1) the administrative charges in the case of estates to 5 per cent and (2) the irrigation maintenance charges to 3-1/3 per cent, what we thus saved went to increase the basic annual sum. This was also due to the good arguments that were advanced by important members of the Select Committee.

“Another change was in the case of the inams whose basic annual sum was altered five per cent as administrative charges, will not be deducted in the case of inams and irrigation maintenance charge of 3-1/3 per cent alone will be deducted if there are irrigation works to be maintained. Otherwise only quit-rent, etc., will be deducted. But if the quit-rent, etc., is very much and they cover more than half the gross annual demand, as it was pointed out in one case by my hon. Friend Mr. Ranga Reddi, we have come to the decision that in those cases the quit-rent, jodi and poruppu, etc., would be only 50 per cent of the annual demand, so that there may be a margin left in hard cases. To these amounts we will add the income from the miscellaneous items, namely, fisheries, mines, etc. There was a suggestion, Sir, whether the three years preceding the notification or the three years succeeding the notification should be taken into consideration. Sir, some of the landholders sold away or denuded their

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forests completely. For another 10 or 15 years we cannot gather even a single log of wood from the forests. Such gentlemen have not only got the money by the sale, but they will also get an increased compensation if we take the preceding three years into consideration. Therefore it was finally agreed that the Government should work them up for the next three years succeeding the notification and the average of the income derived will be taken and added as miscellaneous income to the basic annual sum.

“ Even in the matter of the scale of compensation there was a slight modification, the highest rate is now going up to 30 times. In the last three categories there was an alteration and they were taken up to 30 times, while in the case of the lowest multiple, 12½ times was retained as it was. There was a suggestion, Sir, to restrict the total compensation to Rs. 25 lakhs. But that was overruled at all the stages. The compensation will be apportioned by the tribunal. There was also a slight change in another regard, namely, instead of depositing the amount in the District Court, the deposit will be made with the tribunal. This will obviate the necessity of a person going to two courts and now he can confine himself to one.

“ In clauses 44 and 45 there are slight changes. In the case of the total compensation being apportioned as between the claimants the Hindu joint family was to be the basis. Now on advice from high quarters and from high legal authorities we have come to the conclusion that we should have a golden mean. If the compensation were to be apportioned under the Hindu Joint Family system even the grand-uncle will get a share. Three generations up and three generations down will get it. And therefore the present holder of the estate may not have much to fall back upon. We have therefore finally settled that the impartibility of the estate should go and also that the law of *primogeniture* should go as far as the corpus of the compensation is concerned. Therefore it will be divided in the first instance between the present holder and his sons or grandsons or according to prescriptive rights. Then the maintenance holders will get a multiple of their maintenance in the corpus of compensation. That is the position which has been finally settled in the Bill.

“ Another important provision in the Bill is about the payment to religious, educational and charitable institutions. Now it is provided in the Bill that the present income of these institutions from charitable inams and the rest are guaranteed. That means, if a charitable institution is getting Rs. 1,000 to-day though under the reduced rental it may get only Rs. 600 it will be made good perpetually by what is called the *tasdic* allowance or the *mohini* grant. This is an innovation. Even now in the ryotwari villages it is in operation. There are many villages where, out of the total beriz a portion is given away to the village temple or other institutions such as a choultry, etc. Such a system exists even very near Madras. That principle is now applied with reference to these institutions.

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“ Present clause 53 provides for arrears of rent. The proposal is that if a person pays the arrears of rent for two years preceding notification, roughly faslis 1356 and 1357, the outstanding arrears will be wiped out. This is the arrangement we have come to. There is a precedent for this in 1937. We have also other precedents. The argument then was that the prices were low in the preceding years. The argument now is that though the prices are good there is the other question. There was a general failure of rains during the last two years. In the Government areas we gave a large remission of about Rs. 90 lakhs last year. But in the zamindari areas no remission was given. The ryots there did not have this advantage. Therefore this provision was accepted as a reasonable one.

“ We have also added another clause giving power to Government to take over certain educational and charitable institutions. Till now we have been speaking of educational and charitable institutions for which there were endowments. But there are other institutions for which there are no endowments and their expenses were being met from the general budget of the landholder. There are such institutions. The Bill provides for the Government to take charge of such institutions also wherever they exist now for the general good of the public. This provision had to be made because there may be a dilapidated choultry somewhere and it will be mandatory that we will have to make it all right. Therefore to have some discretion in the matter we have said that the Government can take over such institutions as they think fit. I can assure hon. Members of the House that it is the policy of the Government to see that no useful educational or other institution is left out. It is only with that idea in mind that this clause was introduced.

“ These are the main changes or improvements that were suggested by the Select Committee to the original Bill as it was published. But by the time the Bill was adopted by the Legislative Assembly a few more changes also had to be agreed to. The most important of them is about the dropping of the 1936 inams from the scope of the present Bill. I was one of those who felt from the beginning that as a first step we should abolish all those persons to whom the right of collecting melwaram, i.e., the right of collecting rent alone, was given. In the 1936 Act a Tribunal was empanelled to examine the question whether in those inams, which applied to them, there was kudiwaram or melwaram and whether both were enjoyed by the same person or they were enjoyed by different persons. It was also provided that in cases where the inamdar had also the kudiwaram, by paying one year's rental as compensation the tenant can also get the kudiwaram right for himself. That was the provision in the 1936 Act. Because there was a provision like that and because we cannot go back years behind to get a repudiation of a statutory provision, it has been the view of my Government and myself to see that these intermediaries also were abolished. But as the House is aware, Sir, both in the public Press and the platform and elsewhere there

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has been a lot of agitation about the characteristics of these 1936 inams. As far as I am concerned, I still stick to my original opinion that in almost all those cases the assignment was only of the melwaram and not of the kudiwaram. This can be proved by the simple fact namely, that out of the 18,000 cases that went before the Tribunals which were appointed under the 1936 Act only in two per cent of the cases it was proved that there were kudiwaram rights to the inamdar and that in 98 per cent of the cases, only the melwaram right was proved."

DR. V. K. JOHN :—" It was because nobody cared to go to the Tribunals."

THE HON. SRI KALA VENKATA RAO :—" It was the incumbent duty imposed on the party to go to the tribunal. If he has failed to go there, he has to reap the consequences and nobody can help it. So, that was the situation. It was brought to our notice that some of these inams were very much sequestered and certain rights could not be traced and the plea was made that the whole question should be gone into before a final decision was taken on this matter. Sir, after a close examination, we came to the conclusion that the 1936 inams should for the present, be left out till the Government brings forth another legislation dealing with them and the Government will deal with these cases as early as possible."

DR. V. K. JOHN :—" It is still hanging fire."

THE HON. SRI KALA VENKATA RAO :—" Of course it is still hanging fire. But if my hon. Friend lends his support to the Bill to be passed by this Council at an early date, I will then devote my attention to it and see that it is brought in soon. So, Sir, that was one major change that was made by the Assembly in the Select Committee Report. In order to effect this change, a discriminating definition 'the inam estates' had to be introduced in clauses 1 and 2 of the Bill. Under clause 9, a machinery has been provided for so as to determine as to whether a particular inam is 1908 inam or 1936 inam. This question cannot be left in the lurch because it will create a lot of litigation and therefore under that clause we have provided for a Settlement Officer who will go into the question and will state whether a particular inam is a 1908 inam or a 1936 inam and an appeal can go to the tribunal.

" Then, Sir, clause 16 was introduced to make it clear that every person to whom a ryotwari patta has been granted under the Abolition Bill should pay land-revenue assessment to the Government.

" Then, Sir, with reference to clause 15 as passed by the Select Committee which deals with inam lands situated in the municipal areas, that day when the Select Committee considered it, they had only one case before them and we thought that the person concerned should not suffer. But, on further examination, it was brought to our notice that a lot of inconvenience and difficulties would be caused to a large number of ryoti tenants in places

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like Madura, Virudunagar, Karaikudi and other places where costly buildings were built up and if this clause were introduced it would greatly inconvenience the tenants who have already constructed those buildings with the permission of the concerned people. There are also some municipal areas which are actually agricultural land but to which old section 15 would nonetheless apply. Therefore, the equity of advantage was on the other side and so, the Government had to drop that clause.

" Then, Sir, a new sub-clause was also introduced so that the mortgagee on any building under clause 18 should get the property. This is common law and the mortgagee will get that special privilege.

" Then clause 47, which refers to the sharing of the estate private land by the maintenance-holders, has been made very clear.

" Then another important change which was agreed to by the Assembly and suggested by the Select Committee was about the composition of the Tribunals. I have already explained that a Tribunal is only a substitute for the civil court to give speedy justice and less costly justice and to save people from litigation. The different kinds of tribunals have been changed and they have all been brought under one category. There will be no non-official but there will be one District Judge, a Sub-Judge and a Deputy Collector. This is a change which the Assembly also adopted. It was found that in the case of apportionment, there may be certain intricate legal points as between the sharers and there may be some difficulty. Therefore, an appeal to the Division Bench of the High Court has been provided for. After that was done, suddenly it was pointed out that there may be difference of opinion between two of these gentlemen and therefore we have also provided for a reference to the *persona designata*, another Judge of the High Court, so that the differences may be settled.

" Then, Sir, the Act also provides that in the case of 1936 inams which are now left out, jodi, porruppu, kattupadi which are just now paid to the zamindars, will after the notification, be paid to the Government till such time the Government decide the question of abolition of the 1936 inams also. These are the main changes made by the Assembly and by the Select Committee and the Bill has now come before this House for its adoption.

" Sir, I have to make another point clear. The hon. Gentleman, Dr. V. K. John has sent me a letter two days ago asking for certain clarifications. I am thankful to him for that, and with the best of the information that is available with the Government, I will answer those questions.

" The first enquiry is about the extent of cultivable and cultivated land affected by this Bill and what proportion it will bear to the total cultivated and cultivable land in the Province. Secondly he has also asked me to give the figure of land cultivable but not cultivated but left waste. The whole difficulty is that the

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estates are not surveyed and we do not know the actual extent of land or the rent or the income in certain estates because proper accounts are not kept. But, with the information which we have got, I will now give the total extent of land that will be affected by this Bill roughly :—

LAKHS OF
ACRES.

Zamindaris—

Cultivated lands 76.60

1908 inam estates—

Cultivated lands 16.50

This makes a totl of 93.10 lakhs of acres and the remaining nearly fifty lakhs of acres are either forests or uncultivated land.

“The total occupied extent of ryotwari cultivated land is 276.61 lakhs of acres. Therefore, the proportion of occupied area affected by the Bill to the occupied area in the whole Province is roughly one-fourth.”

DR. V. K. JOHN :—“What is the figure for the ryotwari uncultivated land?”

* THE HON. SRI KALA VENKATA RAO :—“No information is available regarding the land cultivable but left waste in the ryotwari areas. We do not know exactly what it is.

“Then, Sir, the second question is about the number of zamindars and inam holders who are entitled to compensation under this Bill. Sir, the number of zamindari estates for which compensation is payable under this Bill is 2,810 and the number of inam estates, that is, 1908 inams, is roughly 3,500.”

SRI B. BHIMA RAO :—“May I know the estimated compensation?”

* THE HON. SRI KALA VENKATA RAO :—“I am coming to that. Then, Sir, the third question is ‘what is the proportion does the compensation payable under this Bill bear to the market value of the interests transferred, determined or acquired?’ Sir, it is a very difficult question to answer because we have no reliable data about the market value and therefore, about the compensation to be paid, we shall give this information as far as we have gathered.

“Then, the fourth question is, ‘Has the actual cultivator of the soil benefited by the Bill? If he is so benefited, in what manner and to what extent?’ Sir, if the actual cultivator is himself the ryot having occupancy right, then he will be benefited to the extent that he will hold directly under the Government instead of under the landholder and will enjoy the same privileges as any registered holder enjoys in ryotwari areas. It may be mentioned that the rights of the actual cultivator have no legal

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relation with the land he cultivates. It is a major question and will form the subject-matter of another legislation. The present Bill deals only with the occupancy ryot. That legislation is under contemplation. We are examining the question and the matter is getting ready."

SRI A. GOVINDACHARYULU :—" When will that right be abolished? "

THE HON. SRI KALA VENKATA RAO :—" There are two ways of doing that. On a recent examination of twenty villages in each taluk in this Presidency, we can reliably say that more than 60 per cent of the people are cultivating their own land. After we get full figures, we will examine that question and the House will have an opportunity of discussing it.

" The fifth question of Dr. John is whether any intermediary is benefited by this Bill and if so, in what manner and to what extent. My answer is ' yes '. The intermediary is benefited to the extent that he will get compensation for the melwaram interests and will in addition get a ryotwari patta for the lands in his possession and under his cultivation. Details of this, I have explained already. The intermediary between the occupancy ryot and the State will disappear."

SRI R. SURYANARAYANA RAO :—" An occupancy ryot need not be a cultivating tenant."

THE HON. SRI KALA VENKATA RAO :—" An occupancy ryot need not be a cultivating tenant, neither a ryotwari pattadar need be a cultivating tenant. All these cases are subjects for a tenancy legislation which will be our next step.

" Then, Sir, the sixth question of Dr. John is : ' Does the Bill give relief proportionately to the intermediaries and the cultivators who are benefited by the Bill? ' Sir, except for the figures I have already given, we have no other data to know about the total number of occupancy tenants and, therefore, it is not possible to answer this question in a precise manner. The scope of the definition of an intermediary varies with the legislation we have on hand. For the present, an intermediary is a landholder to whom the right to collect rent alone is given and interposes himself between the State and the occupancy ryot. That is the present interpretation of an intermediary who is now sought to be eliminated.

" As regards the question whether the occupancy ryots have to pay any compensation for the benefit derived by them, I would only say this, viz., neither the ryots nor the landholders will have to pay anything for the benefits they get under this Bill. The estate ryot was rack-rented for over a century while his counterpart, i.e., the ryotwari pattadar had to pay a lighter land revenue during the same period. Therefore, Sir, for getting the benefit under the Bill, the estate occupancy ryot need not be made to pay for his freedom.

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“Then, Sir, another question of Dr. John is: ‘What is the extent of compensation payable by Government, if the Bill is passed into law? Please give details of such compensation.’ According to very rough estimates which the Government have made, with the data available with them, the total compensation payable under the Bill will be about Rs. 12 crores for the zamindari estates and about Rs. 5 crores for the inam estates. As the compensation will be based on the ryotwari demand which will be derived from an estate after it is surveyed, settled, etc., on a ryotwari basis, it is not possible to give exactly accurate figures, and that is the reason why only approximate figures have been given.

“Further, as I have already explained to the House, the compensation will be given according to the rules to be made by the Government in future. And those rules will be coming up before this House, after the Bill is passed into law.

“The other question of Dr. John is: ‘Please say separately the amount of compensation payable in the case of inams and the zamindari estates.’ And this I have just now answered.

“The next question is: ‘What is the object in adopting two different dates in clauses 11 (b) and 12 (b) of the Bill?’—the first date is 1st July 1939, and the second one is 1st July 1945. I have already explained this to the House, Sir, but I think Dr. John was not here at that time. These two dates were the result of a general agreement in the Select Committee. The first date was adopted in the case of the zamindari estates, for the reason that the zamindars were made aware of the possibility of the Government undertaking a major legislation for radically amending the Madras Estates Land Act, even as early as 1938-39 when the Prakasam Committee Report was published. But the Prakasam Committee Report did not cover the question of inams, and the question of undertaking legislation for the acquisition of these inam estates first came up only at the time of the Congress Election Manifesto in 1945.”

SRI A. GOVINDACHARYULU :—“Was it included in the manifesto?”

THE HON. SRI KALA VENKATA RAO :—“Yes, Sir, it was included in the Congress Election Manifesto. That was the reason for the adoption of the date 1st July 1945 in the case of the inam estates.

“In both cases, 1st July was adopted, because it coincides with the beginning of the fasli year. Any other date in the middle of the fasli year would lead to practical difficulties.”

SRI B. BHIMA RAO :—“Sir, my question as regards the payments to be made under clause 38 to religious, charitable and educational institutions remains unanswered.”

THE HON. SRI KALA VENKATA RAO :—“That will be made up by some sort of grant or tasdik allowance, which will be the difference between the reduced rents which will be derived

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in these estates, and the actual income based on a five years' average. Supposing an estate derives an income of Rs. 1,000, and the reduced rental comes to only about Rs. 600, the difference of Rs. 400 will be made good by the Government and the Rs. 1,000 will be guaranteed to these institutions."

SRI B. BHIMA RAO :—" Sir, I want to know the details of the total payment which the Government commit themselves under this Bill to make to these institutions after the passing of this Bill."

THE HON. SRI KALA VENKATA RAO :—" Roughly such payments would come to about Rs. 25 to Rs. 30 lakhs."

DR. V. K. JOHN :—" May I know, Sir, how many managers and Settlement Officers, etc., are expected to be appointed when the Act is brought into force? "

THE HON. SRI KALA VENKATA RAO :—" That question is being examined. But I can say this much now, that the cost of such appointments will be less than 10 per cent of the total rent that we will be able to get, after the rents have been reduced to the ryotwari level in the zamindari and inam estates. The reason is simply this. Unlike in Bihar, Bengal and U.P. we have already in vogue the village officers system. Even in the zamin villages we have already the zamin village karnam, munsif, etc. Therefore, we have only to convert all these sub-taluks into taluks. For example, take the case of Pithapuram. There only a Deputy Tahsildar is functioning. Now we have only to make him a Tahsildar, and such appointments will have to be made in all these zamindari villages put together amounting to about 100. We are thus trying to reorganize the whole thing, and it is our estimate that the extra cost to the Government under these various heads will not be more than 10 per cent of the total rent that we shall be able to get after the rental has been reduced to the ryotwar level in these zamin and inam estates. Roughly the cost would come to about Rs. 15 lakhs.

" I have tried to explain to hon. Members with such clarity as I could command, the implications of the original Bill, and the subsequent changes.

" And before I come to the end of my speech, I would like to mention that with reference to this abolition, we recently had the support from the most unexpected quarter, i.e., from Mr. Winston Churchill. You might have read, Sir, what was stated by our beloved Prime Minister, Pandit Jawaharlal, at the Press Conference that he held the other day. In the course of that Press Conference, the Prime Minister stated : ' One question he put to me was : " What are you doing about your land problem? " ' I told him that we are dealing with zamindars, we are liquidating and putting an end to landlords by paying them compensation. Mr. Churchill replied : " Do you know I have always felt that there was something wrong with the land tenure system in India, and

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I myself intended taking the same step some time ago? But something happened and delayed” That was the argument of even the British Government; we are only giving shape to something about which the big and small have been contemplating all these years.

“Now I come to the end of my explanation. You all know the position of the rural people, how a good percentage of our population is under-nourished, and in some cases is, even without food. It is our paramount duty to see that every one of our citizens will be properly fed. Either we should give them bread or give them the means of producing that bread. And in order to produce the required quantity that is needed to feed all our people with a full meal, we have to bring about certain happy adjustments of the relations that now exist between those that go into the fields for the production of food, and the actual owners of the land. I only claim that this Bill is only the first step towards achieving that goal and is not the last word in the matter. Much more has got to be done. And with the support of the hon. Members of this House, the Government will certainly attempt to bring about that happy and rational adjustment of relations, which we all desire to establish. We should also remember that even the illiterate ryots have learnt all the modern ideas, and we cannot blind them over these, nor can we vote them out of their knowledge. Therefore, we must make an intensive study of their real needs, and the ideologies that are spreading in the rural areas, so as to bring about a happy and just social order.

“When we were all young, we thought that we could change the world as we liked. But when we became old, and began to tackle these questions, we found what tough propositions these things are. The more we study these things, the more experience we get, the right way of tackling the problem dawns upon us. And with the advice that will be tendered by so many brilliant minds in this as well as the other House, we hope to give shape to the final state of things that will have to emerge out of this legislation. A just social order which can be brought about without any kind of violence is our ideal. We cannot accept of course what is in existence at present as a just social order, and hence we must sincerely and consciously strive for a better order of things, in which the ordinary man who helps us in the production of food, will have a status for himself, which will give him the credit and the stamina to produce more and more, so that we may have happy and contented stomachs throughout the length and breadth of our Province. With these few words, I move, Sir, that the Bill be taken into consideration.”

DEPUTY PRESIDENT :—“The motion before the House is :

‘That the Madras Estates (Repeal and Conversion into Ryotwari Bill, 1947), L.A. Bill No. 37 of 1947 be taken into consideration at once’.”

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SRI B. NARAYANASWAMI NAYUDU :—“ Mr. President, Sir, when I joined the Masulipatam Bar in the year 1917, there was a Brahman vakil who used to sing to me a song called the ‘ Bhunga song ’, the first line of which only I shall quote to you, as the other lines are not necessary. The song runs as follows :—

‘ బుంగంచె బుంగ కాదురా చాపడా !

రంగు రంగుల బుంగ,

పింగు పింగుల బుంగ

బుంగంచె బుంగ కాదురా చాపడా ! ’

Translated into English, it means, ‘ What a beautiful drum you have got, with a colorful *pingu* ’! You have only to substitute the word ‘ Bill ’ for the word ‘ *Bunga* ’, and you will have ‘ What a beautiful Bill this is, what a colourful Bill this is, and what a colourful *pingu* it has got! ’. It is with the idea of showing the *rangu-pingu* of this Bill that I rise on this occasion, to lead the debate on the Bill, so that hon. Members will finally and fully understand its implications, before they put their stamp on it. I am going to be very sincere in what I am going to say, and I appeal to hon. Members both on this side of the House, as well as on the other, to calmly reflect upon the provisions of the Bill, and come to what may be called a dispassionate conclusion. Nobody can be more anxious than the hon. Members of this House to provide to the common man, what was stated by the Hon. Revenue Minister at the end of his speech, namely, a full meal three meals a day, or even four. Nobody here wants people to go hungry. On the other hand it is the endeavour of every legislator—not only every legislator, but even the ordinary common ryot to whom reference has been made by the Hon. Revenue Minister—to realize that objective. As has been stated, we cannot outvote the ryot, we cannot blind him over these modern ideas, by any slogans. He knows what has been done by this Bill, and what will be done by this Bill, after it is passed into law.

“ The Hon. Minister has just now given his reply to the list of questions forwarded to him by the hon. the Leader of the Opposition, as to the manner in which this Bill seeks to benefit the ryots, I shall deal with the main points one by one. The colour of the Bill or the *rangu* of the Bill is said to be the support it gives to the ryots. But it is not the real *rangu* of the Bill at all. Are there any provisions in this Bill to improve the lot of the ryots? On the answer to this question will depend the decision of this House. The hon. Member from Chingleput—I do not know whether he is a mittadar or a zamindar—is out and out for the ryot. He knows what has been done for the ryot and I do expect him to say how this Bill improves the lot of the ryots. 1 p.m.

“ Sir, the most important question for the ryot is the rate of rent that he pays. All other things are subsidiary. The whole *rangu* of the Bill should be what the ryot is called upon to pay.

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In this respect, has this Bill done anything, as has been claimed by the Hon. the Revenue Minister? (The Hon. Sri Kala Venkata Rao: 'This is only the first step.') The Hon. Minister says that this is only the first step. I will show the House how this is a retrograde step.

"Sir, several hon. Members do not understand these tenures—zamindari tenures, inam tenures and so on. They are perplexed. The question put by the hon. the Leader of the Opposition shows that some of them are not familiar with the tenures. It is no disparagement to anybody when I say that. This Bill touches the village, never mind whether it is one of the hundred villages of the Raja of Venkatagiri or a single village of another zamindar or inamdar. The fundamental thing is that this Bill affects the villagers and their lands. In the Government villages, the villagers have direct dealings with the Government with regard to their rights in cultivated lands, waste lands, forest lands, lanka lands and so on. In the zamindari villages and the inam villages, the tenants deal with the zamindars. Every village has got its *amarakam* accounts and *adangal* accounts. Every plot of land is shown in those accounts, whether it is a cultivated land, or a poramboke or a waste land or forest land. All the lands in the village are not of the same category. Some are dry lands, some are wet lands, some are occupied and some are not occupied, some are forest lands and some are pasture lands. We have to view this Bill according to the way in which it determines the rights of the villagers with regard to these lands.

"Now let us first consider the position of the tenant who holds some cultivable land directly under a zamindar, who has got a patta or muchilika for it and whose land is entered in the *amarakam* of the village showing the extent of it and the rent payable on it. I am now talking of persons who hold lands directly from the zamindar and who have given pattas or muchilikas for the same. According to the Estates Land Act all such persons have occupancy rights and they cannot be turned out. There is no question therefore of this Bill giving them occupancy rights. The Estates Land Act has already conferred those rights on those people and they cannot be ousted from their lands so long as they pay their lawful rents. The landholder cannot change the land from tenant X to tenant Y, nor can he enhance the rent from Re. 1 to Rs. 2. The Estates Land Act governs the relations between the landholder and the tenant and so long as the tenant pays the lawful rent—not the competitive rent—he cannot be evicted from the land. Therefore, the right to hold the land and the protection against enhancement of rent are already there. This Bill does not confer them upon the tenant now. The Rent Reduction Act is intended to provide for the reduction of rents payable by ryots in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood. It was passed in 1947. I did not raise my voice against it. On the other hand I

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encouraged it. So far as the Bill before the House is concerned, does it reduce the rents of the tenants? No. Does it give occupancy rights? No. Does it give mineral or forest rights? No. Whatever has been done for reduction of rents has been done under the Rent Reduction Act. It will be my endeavour to show that this Bill is retrograde in its effect upon the rights of the ryots. Before going to that, I want hon. Members to realize that this Bill touches not only the zamindars but the entire ryot population of the zamindaris. Clause 3 (b) is the pivotal clause. It says that with effect from the notified date the entire estate shall stand transferred to the Government. It means not only the rights of the landholders but also the rights of the tenants who are now holding under the zamindars and who cannot be ejected from the lands and whose rents cannot be enhanced. (The Hon. Sri Kala Venkata Rao : 'You are taking an extraordinary view.') Of course the rights of the tenants are taken away and given back. But let us see what the clause says :

'(b) the entire estate (including all communal lands and porambokes, other non-ryoti lands, waste lands, pasture lands, lanka lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries), shall stand transferred to the Government and vest in them, free of all encumbrances'

When you use the words 'free of encumbrances' the Hon. Minister perhaps means only encumbrances created by the landholder over the estate and not encumbrances created by the ryot in regard to his holding. But anyhow the words are there and according to the Bill all the holdings become vested in the Government, even those lands for which the ryot has given a muchilika and which are entered in the *amarakam* accounts of the village. All of them stand transferred to the Government. The only exception is this :

'Provided that the Government shall not dispossess any person of any land in the estate in respect of which they consider that he is prima facie entitled to a ryotwari patta—

(i) if such person is a ryot, pending the decision of the Settlement Officer as to whether he is actually entitled to such patta'

The cycle is complete. The Government have got the right to dispossess any man of his land in the estate if they consider that in respect of that land he is not *prima facie* entitled to a ryotwari patta. The ryot may now have a patta or muchilika and his land may be included in the *amarakam* of the village. Even then all these lands stand transferred to the Government. It is left to the sweet will and pleasure of the Hon. Revenue Minister to say whether the ryot will be dispossessed of the land or whether he will not be dispossessed of the land but a ryotwari patta will be issued to him. It is the Government which has to determine first of all whether a person is *prima facie* entitled to a ryotwari patta for his

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holding. This decision holds good till the Settlement Officer decides whether the person is actually entitled to such patta. I do not know whether I have made myself perfectly clear. The right of the Government to dispossess any man of his holding if they consider that he is not *prima facie* entitled to a ryotwari patta is there. As soon as this Bill is passed, the whole ryot population of all the villages—77 lakhs of acres of zamindari villages and 15 lakhs of acres of inam villages—comprising half the ryotwari population—are thrown out practically unless the Hon. Minister says, 'No, you are entitled to a ryotwari patta. I shall await the decision of the Settlement Officer. You continue till then.' Sir, this is a power which ought not to be taken."

THE HON. SRI KALA VENKATA RAO :—" That power is not taken."

SRI B. NARAYANASWAMI NAYUDU :—" I do not know. That is what the clause says."

THE HON. SRI KALA VENKATA RAO :—" We have to act upon the legal advice given."

SRI B. NARAYANASWAMI NAYUDU :—" With the simple knowledge of English that I possess and with the much larger knowledge of English possessed by the Hon. Revenue Minister, I want to ask, what is the meaning of this clause which says :

' Provided that the Government shall not dispossess any person of any land in the estate in respect of which they consider that he is prima facie entitled to a ryotwari patta ' ?

Have not the Government the power to dispossess a man of his land or not? Whether it is intended or not is a different matter. I dare say it is not intended. The Hon. Minister cannot intend it. He cannot show his face in his village and tell the people, ' I am going to turn you out of your holdings '."

1-15 P.m. THE HON. SRI KALA VENKATA RAO :—" It is not going to happen."

SRI B. NARAYANASWAMI NAYUDU :—" The Hon. Minister assures me that it is not going to happen. But the power is there. Who knows that that will not be abused?

" Then, Sir, I shall come to clause 3 (f). Clause (f) says that ' the relationship of landholder and ryot shall, as between them, be extinguished.' That is what it says. He can no longer hold the land. This is confirmed.

" Then, I shall come to clause (g). Clause (g) says :

' Ryots in the estate and persons holding under them shall, as against the Government, be entitled only to such rights and privileges as are recognized or conferred on them by or under this Act, and any other rights and privileges which may have accrued to them in the estate before the notified

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date against the principal or any other landholder thereof shall cease and determine and shall not be enforceable against the Government or such landholder.'

I know the hon. the Leader of the Opposition will ask several questions about the rights being conferred upon the ryots. May I ask, Sir, what are the rights that have been conferred upon the ryots, by this Act? It is clear that the ryot shall not have any of the rights which he might have enjoyed under the zamindars previously. They shall cease and be terminated. They cannot be exercised by the ryot. The *rangu* is there and the *pingu* is also there. What is the *pingu*? It is the customary right. What are customary rights? These are rights wherein the ryot can have a certain amount of land for what may be called grazing, right to take headloads of fuel, etc. My hon. Friend from Chingleput knows the conditions of the ryots and their relationship with the zamindars. What are they going to do? What have the Government done for them? Are you going to take away from them the customary rights with regard to grazing? Are you going to take away the rights with regard to carrying certain headloads of fuel? I ask again the Hon. Minister what rights have been conferred upon the ryots? On the contrary I see a provision that the Government shall dispossess any person of any land in the estate unless he is *prima facie* entitled to a ryotwari patta.

"Next, I shall proceed to the question of giving ryotwari pattas. That is provided for in clause 11. Clause 11 says, 'Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of all ryoti lands which immediately before the notified date were properly included, etc.' What land does he get? He is now in *amarakam* books. He has obtained a patta from the zamindar. He is in possession of it. What does the Hon. Minister say with regard to the rights of the ryot in this case? What right does he get under this clause? Nothing.

"Now we come to lanka lands. Here also he cannot have rights over such lands unless he is in continual occupation from the 1st day of July 1939. After all, Sir, these lanka lands are used only for grazing and other purposes. Why should these lanka lands also should go over to the Government? Clause 11 (b) says, 'All lanka lands in his occupation immediately before the notified date, such lands having been in his occupation or in that of his predecessors-in-title continuously from the 1st day of July 1939.' Whenever a ryot is in possession of such lanka lands, he gets the occupancy right. If such is the case, how can you take that right from him? You should not say that he must be in possession of it continuously from the 1st day of July 1939. These lanka lands are not going into the Krishna or the Godavari but going into the Hon. Minister's river." (Laughter.)

THE HON. SRI KALA VENKATA RAO :—"Unfortunately it is the Godavari river." (More laughter.)

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SRI B. NARAYANASWAMI NAYUDU :—“ What wonderful things have been done under this provision? ”

THE HON. SRI KALA VENKATA RAO :—“ I request the hon. Member to produce a single patta given by the zamindar in his estate.”

SRI B. NARAYANASWAMI NAYUDU :—“ What are the facts? What are lanka lands? Every lanka land is cultivated every year. Is it your contention that lankas are uncultivated? ”

* THE HON. SRI KALA VENKATA RAO :—“ Sir, my point is this. These lanka lands are islands in the rivers. There are two types of them, one that can be eroded and washed away and the other which cannot be washed away. It has been the custom in the ryotwari lankas to divide them into three categories, ‘ A ’, ‘ B ’ and ‘ C. ’ ‘ A ’ lankas are given on lease for 20 years; ‘ B ’ lankas are given for three years and ‘ C ’ lankas are put to auction annually. This applies to zamindari lankas also. What we seek to bring under the statute is to apply the same thing to the zamindari areas. The Act says, that because it is possible that in the case of ‘ A ’ class lankas which cannot be eroded that a ryot can be in possession for a longer period, say eleven years, we can give him a patta. But in the other cases where they get possession through auction year after year like ijaradars, they will not get the patta. I would like to know from the hon. Member what wrong is done to a particular ryot. If a ryot has already got a patta for the cultivation of his land for a reasonable period, he is not going to be affected. We are prepared to consider that point. But we are not prepared to give a patta to one who was taking the lands annually in auction. That is the only difference.”

SRI B. NARAYANASWAMI NAYUDU :—“ I would request the Hon. Minister to read the relevant section of the Madras Estates Land Act. If a zamindar lets in any person to such lands, he gets the occupancy right and he cannot be ejected. He cultivates it and he has got every right, the statutory right.”

THE HON. SRI KALA VENKATA RAO :—“ Let him establish it.”

SRI B. NARAYANASWAMI NAYUDU :—“ How can he establish it? ”

* THE HON. SRI KALA VENKATA RAO :—“ The hon. Mr. Lakshmanaswami Mudaliar and we argued over this point that a man who comes there as an ijaradar annually and periodically bids, cannot get a ryotwari patta. Therefore, I beg to differ from my hon. Friend. Our legal advice is different from what he holds.”

SRI B. NARAYANASWAMI NAYUDU :—“ Sir, occupancy rights have to be given to them. What is the condition which you want to impose upon lanka ryots. He must be in continuous possession. If he was in possession for one year, even the Madras

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Estates Land Act applies. Legal advice apart, I challenge that none can say that in respect of lanka lands if a ryot was there for one year he can be sent away."

THE HON. SRI KALA VENKATA RAO :—" Sir, it is asserted that he is a ryot and he is ejected without sufficient compensation being paid to him. Simply he can go to a Civil Court and under section 299 he can get an estoppel declaring this Act *ultra vires*."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, the matter does not stop here. In clause 11, the proviso says :

' Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1945 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.'

And there is also the 'Explanation', which says—

' No lessees of any lanka land and no person to whom a right to collect the rent of any land has been leased before the notified date, including an ijaradar or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section.'

I am reading all this on behalf of the tenant who went into possession and cultivated the lanka . . ."

DEPUTY PRESIDENT :—" The hon. Member will kindly continue his speech after lunch."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

SRI B. NARAYANASWAMI NAYUDU :—" Mr. Deputy President, I was referring to clause 11 (b), with regard to the person who has been led into possession after the 1st of July 1945. I am glad that in that proviso, some reservation is made with regard to the powers of the Government by saying 'except where the Government after an examination of all the circumstances otherwise direct'. I do hope that when this Bill is passed into law, the Hon. the Revenue Minister will take a liberal view of this provision and exercise it in favour of the person who has been led into possession; because it is really a statutory right which is now sought to be taken away—I may be told it is for good reasons—but we should see that the person who is already there is not displaced.

" While on this clause, I want to know from the Hon. Revenue Minister what really the meaning of clause (a) is. It says :

' All ryoti lands which immediately before the notified date were properly included or ought to have been properly included in his holding and which are not either lanka

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lands or lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act.'

Is the Settlement Officer to give a patta for all lands, or is he to hold an enquiry to know whether the lands have been properly included in the holding? What is the significance, I want to know. In clause 15, we find that—

The Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a ryotwari patta under sections . . . etc.'

But we find there is no such clause here with regard to ryoti lands coming under clause 11. Only power is given to the Settlement Officer to find out which lands are 'properly included' and which are not. Is the Settlement Officer to be guided by the *amarakam* accounts? Can he, for instance, go into the question whether it is communal land? I know of several instances in which tanks had gone into disrepair long before the Estates Land Act came into force and the Act until 1931 gave absolute power to the zamindar to assign such tank-beds. It was only after 1931 that he had to go before the Collector for turning it into ryoti land. I want to know what is the purpose of the words used here 'properly included'. Is the Settlement Officer to enquire whether the ryot who is in possession of land which was once tank-bed but which now under the law would be ryoti land, is to have the patta or not? Has he got jurisdiction to take away that land or portions of that land from the holding of the ryot? Again, we find 'or ought to have been properly included'. Probably that takes into account cases in which the zamindar has refused to show certain lands in his possession which ought to have been shown as in his possession. I merely want to know whether the Settlement Officer can go into the question whether the land referred to in this clause is or is not ryoti land. If he can do so, then I say it is a serious invasion upon the rights of the ryot. I suggest, therefore, that this may be left out altogether. I do hope, Sir, that when rules are being framed, suitable provision will be made to see that the person who is in possession is not in any way affected at all. Of course, I can recognize that in the drafting of a Bill, it will be difficult to foresee what the exact meaning of the words will be when they are thrashed out in courts of law or before Settlement Officers. What will be the position hereafter? All the ryots in zamindari areas will have to flock to the Settlement Officer and get from him a patta. And until they so get the patta, I say they have the right to continue. If the ryots are not disturbed according to the *amarakam*, then I shall be satisfied. That is the least I expect from this Government and I do hope this consideration will be shown to them.

"We now pass on to clause 16:

Every person, whether a landholder or a ryot, who becomes entitled to a ryotwari patta under this Act in respect of any

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land shall, with effect on and from the notified date, be liable to pay to the Government such assessment, as may be lawfully imposed on the land.'

That is all right; but what is his position until the patta is so issued, and what is his position after the patta? This clause takes away everything. The question has been asked as to what is the benefit derived by the ryot? The benefit is instead of paying to the zamindar the lawful rent, he shall hereafter pay it to the Government—and that is absolutely no benefit at all. So far as the Bill is concerned, it simply unsettles the landholder's patta, it makes the ryot go and seek a ryotwari patta and it makes him liable to pay the settlement rate. And here you find 'Every person who becomes entitled to a ryotwari patta shall be liable to pay to the Government such assessment as may be lawfully imposed on the land'. I do not know whether these words have been put in here deliberately by the Hon. Revenue Minister or whether they are here due to an oversight. We have been long fighting strenuously in regard to the Estates Land Act and the Hon. Minister was able to provide for it in the Rent Reduction Act to the effect that 'The Special Officer shall have power only to determine that the rents payable for any class of ryoti land in the principal village shall be reduced; and he shall have no power to determine that such rents shall be enhanced'—I am referring to Explanation I under section 2 of the Rent Reduction Act. So, if the rent is at present Rs. 8, he will have to reduce it to say Rs. 7; but if it is Rs. 3, he cannot make it Rs. 7. That is a fundamental right of the ryot. He has bargained with the landholder, he has paid him sufficient money and he has got that favourable rate. And now if he is to be taken away from the zamindar and given a patta and asked to pay the rent to the Government, I submit you cannot increase the rent payable by him. In clauses 21 to 23 of this Bill, all the estates are provided for so far as survey and settlement are concerned. Clause 21 says:

'Any estate or part thereof may be surveyed or, if it has been surveyed before the notified date, may be re-surveyed as if it were Government land, in accordance with the provisions for the survey of such land contained in the Madras Survey and Boundaries Act, 1923.'

Therefore, the effect is that ryots who have been paying Rs. 3 will have to pay hereafter Rs. 10 per acre. I want to know from the Hon. Revenue Minister whether he has not undertaken in the Rent Reduction Act that the rent will not be enhanced. Is that pledge to be given the go-by now and do you want to collect from the ryot the settlement rate?"

THE HON. SRI KALA VENKATA RAO :—"According to the information we have on hand, it is only in dry areas and not in very many particular estates that this levelling up will take place; and according to our experience, it will practically be bringing down the rents."

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SRI B. NARAYANASWAMI NAYUDU :—“ What I want to know is : I have been paying Rs. 4 per acre ; are you not pledged under the Rent Reduction Act to see that I am not asked to pay more? Am I not to pay rent only according to the periodical settlements, once in thirty years? You cannot pass a law now and say, this thing will happen and that thing will not happen and all that.”

* THE HON. SRI KALA VENKATA RAO :—“ That is your point of view about the ryotwari settlement as such. The ryotwari settlement follows certain defined criteria; I can give the assurance that what is done according to the ryotwari settlement and survey rules will be applied here with all their full implications and nothing more and nothing less. What is drafted here is only to safeguard the law, so as to bring it within legal scope. What we seek to do is to prepare a ryotwari code and in order to enable us to do so, some changes in these respects are necessary.”

DEPUTY PRESIDENT :—“ I think it is better that the Hon. Minister notes down the points made by Mr. Nayudu and gives his reply to them at the end.”

SRI B. NARAYANASWAMI NAYUDU :—“ Whether the Hon. Minister notes down or not and replies or not to my points, he will still carry the Bill through, I know ; but it is some satisfaction to know his views even now. My complaint is, as I said, this : you have not applied the ryotwari settlement with regard to low rates. With regard to higher rates, of course, I congratulate you when you say they will be reduced. After all, these persons have only 1, 2, 3 or four acres of land; and I ask you : why should you, after having given a pledge in the Rent Reduction Act that the rate is once for all fixed, now introduce this provision here which says that the survey should be under the ryotwari settlement? What I say is that the ryotwari rate should not be applied to areas where the rates are lower now. There are certain rights on the basis of which they have been selling and buying and these things have been going on and now you are taking away the higher rate.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ The zamindars are not prevented from enhancing and that has been allowed and that has led to this legislation. But people in these parts have not charged higher rates even though they had the power.”

SRI B. NARAYANASWAMI NAYUDU :—“ The simple point is whether where a ryot is paying less he should be made to pay more and this Bill does not provide for it.

“ Let me now come to section 19. Here also there is the same anomaly. If a person has purchased the land after the first of July 1945, he loses it and all alienations after this date shall go and melt into the Godavari river. And section 20 is the most wonderful of all sections. What do the ryots get, the ryots who

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were promised to be sent up to Heaven immediately the Congress Government came to power; the lanka lands have been taken away, the 1945 lands have been taken away and lower rents have been taken away. It may be a matter for satisfaction that the Government stand between two abuses and so the Hon. Minister can carry on notwithstanding the abuses. What does section 20 say? The provision is sweeping and it interferes with rights enjoyed not by the zamindars but by others. In the name of abolition of zamindaris and of the rights of zamindaris, so many rights enjoyed by others are impinged upon. So far as the first portion is concerned it is all right; any right created by the landholder whether by way of lease or otherwise is deemed to be valid. One would jump at it and say: 'It is all right and protection is given. This is the first thing, namely, Rangu, and then we come to the 'Pingu' by way of the proviso. What is the position if the lease had been given for 35 years or 99 years or in perpetuity? After all will anybody want a mineral right to be given for a year? In one year he cannot even scratch the surface of the earth and for minerals one will have to dig down to the bowels of the earth and mining leases usually are for eighty or ninety-nine years. What does the proviso say here? If it is one year it is all right and if it is beyond that, if it is in public interests to do so, they may issue notice to the person concerned and terminate the agreement. Of course they shall be paid some compensation by the Board of Revenue. Therefore, though it is a Bill for the abolition of the rights of zamindars, in that name rights granted by him to another person can be done away with after a notice period of three months.

"Regarding the question of compensation to the zamindars, you proceed on one-third, make some deductions for administrative charges and then arrive at the basic sum. But with regard to these persons—they are not zamindars but they had been given the rights by them to work the mines—the Government want to take power to terminate the right and the Board of Revenue will pay them some compensation according to rules prescribed. The question of compensation to the zamindars has been settled in the Bill itself but regarding the persons for whom mining rights have been given, the principles upon which the compensation will have to be given will be decided by an authority which the Government create. This is a thing which goes against the rights of persons holding leasehold rights. Let me now take section 55. If a ryot pays rent for faslis 1356 and 1357, the dues in respect of all the previous faslis are wiped out. I do hope that with the concession given to the ryots their food pot at least will be spared and not be placed on the road on the 15th June, 15th January and 15th March, the kist seasons. There is no zamindar and they cannot say: 'Salaam to you; come day after to-morrow' and put off payment. The Revenue Inspector will come and the Tahsildar will be upon the ryots. Will the Government allow the kist to accumulate and will they allow it to be wiped out? I do hope that when the administration comes into the hands of Government, they will exercise the same leniency or at least spare the

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pot of food without breaking it in order to collect the rent. So far as the ryot is concerned, if he is paying lower rent, he is to pay higher rent and he is continuously liable to pay settlement rates. He will be liable to be evicted from communal lands and he shall be evicted from his lanka lands and he shall be evicted if the lands came into his possession after 1945. I submit, Sir, that there is absolutely nothing in this Bill of which we can be proud and there is no reason to believe that it will ameliorate the condition of the ryot and he will grow more food and his stomach will be filled up. The real thing is not that anything is sought to be done to the ryot or that you want to help them but that something is taken away or more burdens are put upon him and he is put in direct relationship with the Government. I must say in this connexion that responsible journals have been carrying on propaganda saying that so much is going to be paid to the zamindar and that it should not come from the tax-payer but from the ryots of the zamindaris concerned and that they should be made to bear the brunt of the burden. I am only sorry that some responsible persons have also given expression to that feeling. Let me state once more that the ryots get nothing under the Bill. First of all for the reduction of rent, is there any compensation paid to the zamindar. Rents are now going to be reduced to Government level. If the Government propose that zamindars should get some compensation because Government are going to introduce the ryotwari rate, I can understand that and I can understand the agitation that is going on to say that the ryots benefited should bear the burden. On the other hand, the compensation to be paid is fixed with reference to the annual basic sum, which is the reduced sum and it is the zamindar that foregoes his rent. Of course it is within the powers of Government to regulate the relationship between the landholder and the tenant and to secure adequate return for the tenant. It is for that purpose that this Bill, the Estates Land Act and kindred Acts had been passed from time to time. I can understand the position if the Government pay the zamindar on the existing level of rents and the compensation being on the basis of reduced rent, I do not think that there is any obligation on the part of the ryots to bear the burden. After all, are they allowed to remain free from taxes? Section 16 says that the assessment is payable to Government from the notified date. Reduced rents also will be enhanced and the landholder having lands without paying rent will have hereafter to pay assessment to the Government and the inamdars also who have been enjoying the lands without paying any peshkash will have to pay hereafter. The zamindars have been collecting 175 lakhs. The Rent Reduction Act is going to reduce it to 100 lakhs. The compensation is going to be paid on the basis of these 100 lakhs. The zamindar loses 75 lakhs and no compensation is to be paid for that. Therefore, when the compensation is being given, it is not on account of the ryot getting any benefit at all. It is not as if the ryots get any benefit and therefore they must bear the burden of compensation.

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“ Let us take the rent roll. Are the Government going to forego the amount? On the other hand, clause 16 clearly says that the ryots shall continue to pay, what may be called, the reduced rate of rent. Instead of the zamindar pocketing the 100 lakhs, the Government will pocket it. That is all the net effect of it. Therefore, it is an acquisition of 100 lakhs of revenue to say the least and for that they have to give compensation and nothing further. For in the place of 40 lakhs by way of peshkash, they are getting 100 lakhs by way of acquisition of these rights and therefore they have to pay compensation to the zamindars and it is not the ryots that have to pay it.

“ Sir, with regard to this compensation question, what is the equitable compensation to be given to them? What are the principles in this Act which underlie the grant of compensation to the zamindars? Here, I should like to indicate the principle which appeals to me rather very hard. There can be two portions in a village—the cultivable portion from which the zamindar may get the revenue and the non-cultivable portion in respect of which he does not get any revenue but he has got certain other rights. Those are the two portions of a village. Those are the two sources of revenue for the zamindar. Therefore, the compensation to be awarded must be with reference to these two heads. Clause 3 (b) says :—

“ The entire estate (including all communal lands and porambokes; other non-ryoti lands; waste lands; pasture lands; lanka lands; forests; mines and minerals; quarries; rivers and streams; tanks and irrigation works; fisheries; and ferries), shall stand transferred to the Government and vest in them . . . ”

What are the rights of the zamindars with regard to these miscellaneous things? The first right which he has got under the Permanent Settlement Regulation or under the Estates Land Act, is the right to cultivate himself what lands he pleases—waste lands, pasture lands, lanka lands or any other lands—or he can induct ryots into possession by taking premium but he cannot take a promissory note which cannot be enforceable in a court of law. With regard to pasture lands, he can collect *vari* or *pulleru*. The fundamental right of the zamindar with regard to these miscellaneous items is really much more than what will appear on the surface. The right to put a ryot into the possession of lanka lands, pasture lands, etc., are being taken away and what is it that you are paying? Nothing.

“ The same thing is with regard to clause 3 (a). What is the compensation provided for with regard to these miscellaneous things? Under clause 3 (b) the entire estate shall stand transferred to the Government and vest in them, free of all encumbrances. Under clause 27 (iv), one-third of the average net annual miscellaneous revenue derived from all other sources in the estate specified in clause 3 (b) excluding lands in respect of which the ryotwari patta is to be granted, is to be taken into account. On the notified date, the forests, waste lands, etc., will pass into

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the hands of the Government. Here they will have no right to induct any ryot thereafter and he cannot take any land for cultivation. In this connexion, I am reminded of what the Burma Government have done. I am not sure whether they received inspiration from this Government or otherwise. They said they would only give an annual net income just like that here on all these things. The Government proposed to give only one year's rental. I tell the Hon. Minister that it is not going to be the capitation of the zamindars but it is going to be the capitation of junkers as they put it. The turning of the tide is certain and when the flood gates are open it will swamp you and you will not be able to control it. When you tell the zamindar that with regard to forest lands, communal lands, pasture lands and lanka lands not occupied by tenants, he will get one year's income only, it is what is called opening the flood gate. God only knows whether the Government will be able to or want to derive any income from these at all? What is the provision which tells you to what use these things should be put into?

"Sir, we must admire the stubbornness with which the inams were sought to be brought in. In the Prakasam Committee Report, the question of inams were left out as they did not stand on the same footing as zamindars. Having paid all the compliment due to him, I still want to ask, if you are going to pay one-third of the annual ryotwari demand for the zamindars, why do you want to pay thirty times with regard to inamdars? Is it due to what may be called racial discrimination? Is it due to communal distinction or is it due to the powerful advocacy of the papers or is it due to the powerful advocacy of the oligarchy ruling this land? What is it?

"Sir, there are 3,000 zamindars, of whom 2,000 are one-village zamindars. These zamindars will get compensation on the basis of one-third, whereas the one-village inamdar will get thirty times. I have a share in the zamindari village with an income of about Rs. 3,000. A small fraction of the share is mine. But I will get compensation on the basis of one-third while an inamdar will get thirty times. This distinction is atrocious. The Hon. Minister for Revenue reminds me that if I had registered, the position will be all right. I ask him, what right has he got to pay better rate of compensation to the inamdars while at the same time they deny that right to the zamindars. Is he fair and is this the way in which the eminent community should be treated? After all, what is the distinction between the zamindar and the inamdar? There are one-village zamindars and one-village inamdars. My hon. Friend knows that the Estate of Karvetnagar has been split up into 14,000 or 15,000 shares and each share will be the same as that of an ordinary inamdar's. But their compensation differ very much.

3-15 p.m. "Now, who are these inamdars to merit such a kind of treatment? Bhikshandehi is their creed. (Laughter.) They went to the zamindars and begged and they got villages. And you want to give thirty times the rent to the Bhikshandehis; and the man who gave the villages, he must be content with 25 per cent!

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I know the difficulty with which the Hon. Revenue Minister is faced. There will be a storm of opposition if he were to propose to give thirty times as compensation to the zamindars. I ask him what is the merit on which this compensation is being given. You say, they are no better than mere rent collectors. Then why this differentiation in compensation? The man who got the villages as inams should get 30 per cent compensation and the man who gave the villages as inams should get nothing! It is utterly out of proportion for one thing to be stepped up and the other thing to be scrapped.

“There is one more point I have to submit. I have no objection to Government taking all the forest land, all the lanka land, in fact, in vesting in themselves all the lands in the Madras Presidency. (Laughter.) But there must be some principle enunciated when you take such a step. For what purpose are you taking them over; how are you going to administer them? I can understand the Communists taking over lands; for they want to do away with private property. But are you going to put all lands into a sort of collective farm after vesting the lands in you? I can understand that, if you have a planned economy. No. You have none. I have no doubt of what is going to be done with the lands confiscated under this Bill. We have read in Roman History, when Roman generals returned home victorious with their army in all splendour they would not be satisfied until corn is distributed to the soldiers. Now, is it your plan to distribute the lands among political sufferers? Is it your idea to change property from the hands of A to the hands of B? Nationalization of motor transport has resulted in issuing licences. Nationalization of land will result in distribution of land among political sufferers. There is in my district Kalipatnam estate. The inamdar has spent considerable sums of money on the estate; and he wanted to put the ryots into a co-operative organization. At once various parties to which several hon. Members belong said the inamdar had no right to put them. And then began rioting. The matter went up to the High Court and they decided that the inamdar has the right. The matter has caught fire. (Interruption by the Hon. Revenue Minister.) He is again a Congressman. I have no doubt I can get concession from you, if I say, I am a Congressman. (Laughter.) Let us have some principle on which land is taken away. We have here to discharge certain duties. The Hon. Revenue Minister said towards the close of his speech that he is out to produce more food; but in his attempt to do it he should not provide loaves for political parties. I hope it will not be his aim. Since he has not disclosed what his aim is I have tabled amendments to the effect that the villages taken over by the Government should be administered for the benefit of the villagers only. These are my main principles of objection to this measure, and if I have, in my speech, unwittingly offended anybody, I hope he will not take it personally.”

* SRI B. BHIMA RAO:—“Sir, I had no desire to take part in the initial stage of this Bill, but I have been provoked by my

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friend, the hon. Member from Masulipatam, to make my speech. Hence I have risen at this stage. So far as zamindars are concerned, my conviction is that this legislation is quite justified. Well, what is their position; what is their legal position? It has been elaborated in the Prakasam Committee's Report of 1938. We debated upon it in this House nine years ago and came to the conclusion that the relationship which they had in 1802 should be reverted to. That was the result of the debate at that time. Last year, in January 1947 the then Revenue Minister, Mr. Karanth brought forward a resolution before this House asking leave to legislate on a particular basis, namely, on the basis that the zamindaris should be abolished and the tenants in occupation of the lands should pay the ryotwari rent. (The Hon. Sri Kala Venkata Rao: 'The latter part did not form part of the resolution.') Well, I stand corrected. That resolution was limited to the question of abolition of zamindaris. The then Revenue Minister made an elaborate speech in which he said that these zamindars are merely commission agents, or in popular language, they were appointed as agents of the then Government, the East India Company, to realize the rents from the ryots in occupation of land, for what they collected, they should take one-third as commission and pay the balance of two-thirds into the treasury as, what was termed, peishkush. That is the legal position between the parties. This is found in the majority report of the Prakasam Committee, to which my hon. Friend from Masulipatam has appended a dissenting minute. The same observations were made by Mr. G. S. Forbes, when he introduced the Estates Land Bill in 1905, which eventually became the Madras Estates Land Act, Act I of 1908. That Bill had been published seven years back, in the year 1898, and the hon. Gentleman said in 1802 that there was no distinction with regard to the land in the ryotwari areas and that in zamindaris; every land was common. I do not know, why, for some reason, some leading gentlemen wanted certain areas; they were given those areas, in which they were empowered to collect assessment,—to use 'rent' is a wrong term—to pay over two-thirds as peishkush and retain for themselves the balance of one-third. It is only after the Regulation of 1802, these gentlemen were appointed by the East India Company to collect assessment as zamindars, and in course of time they styled themselves as proprietors of land. They have absolutely no proprietary interest at all. It is rather very strange to see that the Hon. Revenue Minister when he was speaking this morning used the words 'proprietary interest'. I can understand the draftsman of Regulation of 1802 or the draftsman of the East India Company using those words, as they were not clever legal draftsmen—and that has caused so much strife and trouble to the ryots for the last one hundred years. After that, at this time of the day, when the Hon. Revenue Minister introduces a measure to abolish zamindaris, to use the words 'their proprietary interest' it passes my comprehension, how he does it."

* THE HON. SRI KALA VENKATA RAO:—"Sir, let me correct the hon. Member. Not only I did not use the words 'proprietary interest' in my speech, but, Sir, from the Bill, you

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will see, even the definition of 'proprietor' has been dropped, because the term carries with it a misnomer. I have been saying that the zamindar is only a rent collector and the scheme of compensation is based on that."

SRI B. BHIMA RAO:—"The zamindars had absolutely no proprietary interest in the lands over which they were authorized to collect the assessment. That was the position. Sir Thomas Munroe created a wrong impression by using the words 'proprietary interest' in Regulation XXV of 1802. He submitted his report to the then British Government. They passed another regulation in 1822 but did not rectify the mistake. As the Hon. Mr. G. S. Forbes has said, the English Judges who came to India afterwards imposed the British law of landlord and tenant, created litigation and trouble, and impaired the interests of the ryots. Mr. Forbes introduced a Bill which eventually became the Estates Land Act of 1908. But that Act did not give any relief to the ryots in possession of the land. Hence the Congress Working Committee said in their election manifesto that the zamindaris should be abolished. They never mentioned anything about inams. In January 1947, the then Ministry—after all the Ministry is said to be continuous even though the personnel may vary from time to time—sought the leave of this House to introduce legislation to abolish zamindaris. Dr. Sir A. Lakshmanaswami Mudaliyar and some other members pleaded for a reasonable compensation. But every one was agreed on the principle of abolition. Even the zamindars themselves represented: Please do abolish these zamindaris as quickly as possible so that we may have some relief. I have got a copy of the representation which they sent last year.

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"As regards inams, there are several of them which are not inams of modern times granted by jagirdars or zamindars to persons who, as my hon. Friend said, went about saying: 'Bhavathi Bhiksham Dehi. We beg of you to give us an inam.' Sir, the House knows that Sri Krishnadeva Raya gave several inams to the famous poet Allasani Peddanna, who composed the fine and elegant verse which was recited when Krishnadeva Raya died. (An hon. member: 'Please recite.') I am not so good at recitation. I studied it a long time ago in the B.A. class. My Friends Messrs. Kala Venkata Rao and B. Narayanaswami Nayudu must know the verse to which I am referring. It is six hundred years old. Why should the descendants of that poet be deprived of those inams now? I know that Sri Krishnadeva Raya granted nine villages as jagirs for the maintenance of a tomb of the Muslim saint Baba Fakruddin which is in Penukonda in Anantapur district where I was practising for some time before I came over to Bellary. Even now some Muslims are looking after the tomb and maintaining worship therein according to Muslim tradition. Sir, is it not morally sinful to take back these jagirs? I am replying to my friend Mr. Narayanaswami Nayudu who took objection to excluding the inams from the purview of this legislation. We were given permission to propose amendments, and as a matter of fact I did want to send in amendments for excluding inams altogether. But I saw an amendment standing

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in the name of my friends Dr. V. K. Jhon and Sri R. Suryanarayana Rao for excluding inam villages altogether from the scope of this Bill. (The Hon. Sri Kala Venkata Rao : 'Inam villages are omitted; only the inam estates are there.') So I did not send any amendment. According to ancient Hindu ethics and ideals, it is sinful to take back gifts of land or any other property from the donee. I think my hon. Friends have read the tenth skandam of Bhagavatham wherein it is said that Nriga Maharaj made a gift of a cow to a Brahman. The cow strayed back into the palace. He made a gift of the same cow to another Brahman later on. The first donee came and said : 'It is my cow, you first gave it to me, and I now want it back.' The second donee said : 'You have made a gift of the cow to me and I will not return it.' On account of this, Nriga Maharaj was forced to live the life of a chameleon. Finally Lord Krishna helped him to resume his old form.

"Coming to recent times, in the early part of the last century, Sir Thomas Munroe, who was first the Collector of the Ceded Districts or Rayalaseema as we now called them and subsequently became the Governor of Madras, wanted to resume all the inams which were gifted to Raghavendraswami of Mantralaya. I do not know whether all the Ministers have visited the place but I am sure several of them would have visited. Every Collector goes there during the anniversary celebration. An account of this tradition is published in the Bellary District Gazetteer, and also in the biography of Sir Thomas Munroe all the three volumes of which are in the Legislature Library. When Sir Thomas Munroe wanted to resume all the inams gifted to Sri Raghavendraswami by the previous kings, the Swamiji, who was entombed in the samadi for more than six or seven centuries, came out and accosted him in these words : 'How dare you take back the inams that had been given to me?' He simply bowed, said that he was not going to resume the inams and went away.

"Sir, I may mention another instance also. Mr. I. M. Fraser was the Collector of Bellary district in 1943 or 1944. He scoffed at the idea of holding annual celebration in Mantralaya and said : 'I will prevent the celebration which is attended by about ten thousand people from across the Nizam's border. We cannot afford to provide foodgrains for ten thousand people in these days of food scarcity.' He issued an order under section 144 prohibiting the congregation of people there. I mentioned the incident about Sir Thomas Munroe which I narrated just before and gave him a copy of the Bellary District Gazetteer in which this tradition is published. But he persisted and said : 'I cannot provide rice for ten thousand Brahmans that will attend the celebration. I resigned myself to the situation.' But next morning he sent for me and said : 'I did not get sleep throughout last night. What shall I do?' I replied : 'Cancel the prohibitory order and you will be all right.' He did cancel the order and provided the rice that was needed. He himself took part in the celebration for two days. For the information of Mr. Narayanaswami Nayudu, who was not present earlier in the course of my speech, I may repeat that even Sir Thomas Munroe dared not resume the inams granted

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to Sri Raghavendraswami whose body lies entombed in the samadi at Mantralaya. I do not want to take up any more time of the House in repeating what I said for the information of Mr. Narayanaswami Nayudu.

“Inams have not been granted merely on account of the Brahmans begging the post 1802 zamindars: Please give us some land. They have been granted for several reasons. There are several shrotriyams in my district though they are small in extent. They have been given to men for their learning. I do not want to refer to the origin of each shrotriyam. Inams have been granted by the kings of Adoni and Bijapur several centuries ago to learned and pious Hindus. Is it right from the moral and ethical points of view to resume inams which were granted centuries ago? We can legislate with regard to the relationship between landlord and tenant but to take back those inams is repugnant to the moral notions of Hinduism. I believe the same moral ethics prevail in the Islamic and other religions. That is why I say that a distinction must be made between zamindaris and inams. Inams have been enjoyed fully and in some cases the inamdars have settled down and do the cultivation themselves at least in parts of the inams if not the whole. To apply the same test to both and bring in a common Bill is not right. If the Bill had been confined to only zamindaris, I am sure it would have been passed long ago. My friend the Hon. Revenue Minister said that some differentiation is made in favour of inams in the matter of compensation. But I am afraid the difference may be negligible. My personal view is, and it is shared by several friends from Andhra Desa, that it would have been better if inams had been excluded altogether from the purview of this Bill.

“One more point, Sir, and I shall finish. In clause 38 of this Bill, the Government have committed themselves, or rather I should say that we have committed ourselves, because, although the Hon. Minister for Revenue said ‘We’ meaning thereby the Government, yet I think it is not the Government or the Hon. Minister for Revenue who are going to pay, but that it is the people of the Province, who are going to pay ultimately . . .” (Interruption.)

THE HON. SRI KALA VENKATA RAO :—“Sir, I entirely agree with my hon. Friend Mr. Bhima Rao, that when I said, ‘We,’ I meant it only in the sense in which a company uses the term ‘We,’ and it did not represent either myself or the Government as such.”

SRI B. BHIMA RAO :—“Sir, under clause 38 of the Bill, we commit ourselves to make good, to the various religious, educational and charitable institutions the income that they have been getting till now. Well, it is said that it will be reduced to the ryotwari rate. But I think that will not make much difference, because, if we take for instance the Tirupathi temple, it gets nearly an annual income of Rs. 7 lakhs from the various endowments and inam lands attached to it. That is my information, Sir, but I stand subject to correction, because you are also

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a member of the Tirupathi Devasthanam Committee and you may know better. Even if one-third of that is taken away as legitimate expenditure, the remaining two-thirds will come to about Rs. 5 lakhs and if the assessment is converted on the basis of the ryotwari rate, it will come to more than Rs. 1 lakh. There are several such institutions and it may amount to a huge sum to pay them compensation for the loss of their income. Sir, in fact, I sent an interpellation, to the Hon. Minister requesting him to furnish the House with the information in respect of all such institutions and their annual income and I have been asking for the same information for more than a year, but it has not yet been forthcoming. I should like to know what efforts have the Government made to collect such information or cause an enquiry to be made into the matter. Without giving us any idea of our ultimate commitment, we are now asked to commit ourselves to pay this sum as compensation to these institutions. Sir, there are several Muslim religious institutions and several Hindu temples, colleges, chatrams and so forth, which if we want to compensate, would come to even Rs. 10 crores, although my Hon. Friend the Revenue Minister says that it would only be about Rs. 25 lakhs. I do not think my hon. Friend has made any inquiries into the matter during the last one year to ascertain the correct figure. What is the use of asking us to commit ourselves to a sum, the exact amount of which we do not know. That will amount to a deceit according to law."

* THE HON. SRI KALA VENKATA RAO :—" Sir, what I have submitted to the House is according to the best of the information we have got. You cannot ask us to furnish the exact figures because they are not really in existence. Some of the inams to which my hon. Friend Mr. Bhima Rao made a reference just now do not get the incomes, which he imagines. He referred to some mutts in Tanjore and said that they are getting huge incomes from endowments. We have, in fact, gone into the whole question, we have taken those things into consideration and we have come to the conclusion and as I said, roughly that it will be about that figure which I have given and we will not be wide of the mark. Perhaps, it will exceed 10 or 15 per cent, but surely there will not be any great difference in the way in which my hon. Friend fears. It is therefore not proper, Sir, to ask us to put off the Bill till we are able to get the exact figure."

SRI B. BHIMA RAO :—" Sir, let me say plainly, that I am not one of those who adopt dilatory tactics to postpone the legislation. On the other hand, it is my desire to see that this Bill is passed as speedily as possible. But, at the same time, I cannot agree with the Hon. Minister for Revenue, when he said that the maximum amount of compensation would not come to more than Rs. 25 lakhs. I know, as a matter of fact, that in one village in the Tanjore district that has been purchased by the Uttiradi Mutt, the annual income is about Rs. 75,000."

THE HON. SRI KALA VENKATA RAO :—" If it is a religious institution, it will still get Rs. 75,000."

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SRI B. BHIMA RAO :—“ But unless you are able to get the correct information, how are you going to pay the compensation? I submit, Sir, that this estimate of Rs. 25 lakhs, cannot at all be correct and I am not disposed to accept it as correct even approximately. Suppose it happens that on account of the various commitments we are making under this Bill, we have to pay something like Rs. 5 crores, how can we do that? We cannot do that at this time. It is not fair that we should embark upon this policy just now without knowing even the approximate amount that we will have to pay as compensation and we cannot rely upon the promise of the Hon. Minister and adopt his figure as such.

“ With these observations, Sir, I support the measure, in so far as the abolition of the zamindaris alone is concerned.”

* **SRI C. N. MUTHURANGA MUDALIYAR :—**“ Mr. Deputy President, Sir, I should not have intervened in this debate, but for the fact that my hon. Friend Mr. Narayanaswami Nayudu has forced me to say a few words at least personally. I am neither a mittadar nor a zamindar. I am only a ryotwari pattadar, and I am a bit of an inamdar also. (Laughter.) Yes, Sir, there is nothing to laugh at. Our ancestors have done a lot of defence and revenue collection work for the East India Company. But they did not beg, Sir, and there was no Bhavathi Bikshandehi business there. Because they had done those defence and revenue services, they brought on greater slavery to our countrymen than others. When those services were terminated, they were given these inam villages as a sort of pension. If pensioners could be deprived of their pensions, then these inamdars also could be deprived of their pensions, which are now in the form of inams. But whatever it is, Sir, the Government have now thought fit to abolish the zamindaris and the inams and to bring them all under one uniform ryotwari tenure. I have great admiration for this idea that has entered into the head of the Hon. Minister for Revenue and I am one with him in order to see that our land tenure in this Province is brought under one system only and that it must be the ryotwari system.

“ Sir, no doubt my hon. Friend Mr. Narayanaswami Nayudu elaborately argued that these inams were given by the zamindars and since the zamindars themselves are going, the inamdars also must share the same fate. But I submit, Sir, that it is not so and it should not be viewed from that point of view. There were some inams given by zamindars, but originally there were a number of inams given by our ancient Hindu rulers and Nawabs much earlier than the East India Company and the East India Company and the British Government had only confirmed the inams which were previously given by their previous administrators as gifts. There are several cases in which our ancient Hindu kings of this country had given inams to people in recognition of their services to the community and to the State and it is not the East India Company or the British Government that had given them to the people, but, as I said, they only confirmed them. So, in

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any case, I should think that these inams should not be placed on the same footing as the zamindaris. There are differences between inams granted by the zamindars and the inams granted by the Hindu kings and by the British Government. There is no objection to making such a distinction between these two kinds of inams. But whatever it is, for the purpose of bringing them all under a single tenure, no distinction need be made between inams given by the kings and inams given by the zamindars, or inams given for religious, charitable or educational purposes. All these inams could be brought under one system of tenure, namely, the ryotwari tenure. Sir, I had also some hand in bringing about this decision with regard to charitable and religious endowments. We decided that compensation in respect of these inams could be based on their five years' full income, whatever their present income under the ryotwari tenure may be, and that may be paid to them by the Government. Sir, as I said, I had a hand in bringing about this decision and I am glad that I have succeeded in prevailing upon my party to accept the position. Sir, my hon. Friend Mr. Bhima Rao's objection seems to be this. He asked, 'Who are you to commit the future legislature for giving full income to-day with regard to these religious and charitable endowments?' But, Sir, my reply is certainly we are the legislature for the time being. We can make laws as we think right and proper under the present circumstances. Our successors may come and they may change them, if they do not want them. It is none of our business to contemplate what a future legislature or a future Government will think of this legislation, but sitting as we are to-day, as legislators for the time being, I think, we must do our business and knowing as I do, I am sure, Sir, that no Government will displace the present Government or that any future Government will come and destroy the temples, or educational institutions or charitable inams or temple inams, although my hon. Friend Mr. Bhima Rao may be inclined to think otherwise."

DR. V. K. JOHN :—"If the communists come into power, what will happen?"

* SRI C. N. MUTHURANGA MUDALIYAR :—"Communists, they will be nowhere in this country, Sir. I am sure of that. There would be no other party in this country to displace the existing Government."

"Then, Sir, there are in several zamindaris, leasehold inams and there are other kinds of inams which have not been brought under this Bill and which I have already mentioned in the earlier stages of the debate when this Bill was originally introduced and the Hon. Minister for Revenue has promised to look into the matter and tack them on to this Bill. I had hoped, Sir, that the Select Committee would have made provision for abolishing these leasehold and other inams which may not strictly come under the category of inams or zamins, but it appears they have not done so."

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“ Sir, about another matter referred to by my hon. Friend, Mr. Narayanaswami Nayudu, namely, that the inams for which the ryots were paying less than the present ryotwari rates should not be enhanced and should be kept at that level, I fail to see any point in his argument. I do not see why their assessment should not be increased. No doubt in some parts of this Province zamindars have inordinately enhanced the rates and the ryots have been compelled to pay such increased rents and they are now getting the benefit under the present Bill, by having to pay only the neighbouring ryotwari rates. There are some estates in the south where there has been no such enhancement. I may even say here, Sir, that in my own inam estate we are only collecting the 1802 rates which are less than the present ryotwari rates in the neighbouring areas. There are several other estates like that in the Tamil Nad, where the ryots are paying less than the ryotwari rates in the neighbourhood. Now the Government are taking over these inams and are they not entitled to collect the neighbouring ryotwari rates from these inams, if the rates that the tenants are paying to the inamdars and the zamindars are less than the neighbouring ryotwari rates? I feel that the Government would be quite justified in bringing these rates to the level of the ryotwari rates prevailing in the neighbourhood. Otherwise how could they pay compensation for these estates? People ask for enhanced compensation and various arguments are adduced in support of their claim. Under such circumstances, Sir, I think the Government are entitled to collect the neighbouring ryotwari rates and the ryots could certainly expect the Government to give them all irrigation and other facilities for the cultivation of these lands in the same way as their neighbouring ryotwari tenants are entitled to. If the Government are going to give all these facilities, what is wrong in their bringing these rates to the level of the ryotwari assessment prevailing in the neighbourhood? Sir, from the very beginning of this Zamindari Abolition Bill, I have been consistently supporting not only this measure, but also similar other measures which were brought forward by the Government with a view to place the rates prevailing in the various classes of lands in this Province on an equitable and rational basis, such as the Rent Reduction Bill, the Alienation of Private Forests and Communal Lands Bill, etc.

“ Certainly the Inams abolition was in the original draft of the Bill and I have read it through and through and still I support it. If a ryotwari legislation is brought and if it will conduce to the greatest good of the greatest number of people I am willing to forego my ryotwari estate even, to the extent that they may legislate. Because I am an inamdar do not think that I do not support the inamdari abolition. I support it. I also support the temple and charitable endowments portion of the Bill. Sir, I give my heartiest support for the abolition of the zamindaris.”

DEPUTY PRESIDENT :—“ It is now 4 o'clock. The adjournment motion of Dr. John will be taken up.”